

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALLSTATE INSURANCE COMPANY,
ET AL.

Plaintiffs,

VS.

MICHAEL KENT PLAMBECK, D.C.,
ET AL.

Defendants.

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NO. 3-08-CV-0388-M-BD

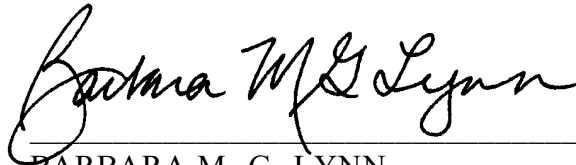
**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and the Findings and Recommendation of the United States Magistrate Judge dated August 26, 2011, the Court finds that the Findings and Recommendation of the Magistrate Judge are correct as to Roland G. Toca II, and they are accepted as the Findings and Recommendation of the Court.

IT IS, THEREFORE, ORDERED that the Findings and Recommendation of the United States Magistrate Judge as to Roland G. Toca II are accepted. The court finds that Defendant Roland G. Toca II failed to appear at a pretrial status conference without justification or excuse. As a result, sanctions are appropriate under Rule 16(f) of the Federal Rules of Civil Procedure. Defendant Toca's pleadings will be stricken and interlocutory default judgment entered against him on the issue of liability. Plaintiffs will be permitted to submit evidence to the court on the issue of damages and move for the entry of a final default

judgment upon the trial of this cause.

SO ORDERED this 20th day of September, 2011.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is written in a cursive style with a large, looping initial 'B'.

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS